

Justice system 'crumbling'

Jane Lee, Nino Bucci, Adam Cooper

Published: October 30, 2013 - 3:00AM

The police union has savaged the state government for undermining its own tough-on-crime agenda by "sitting on its hands" as the justice system crumbles, forcing officers to babysit prisoners who cannot fit in bursting cells.

Advertisement

Police Association assistant secretary Bruce McKenzie said police were no longer prepared to prop up the overcrowded prison system as it was clear there was no light at the end of the tunnel.

The latest flashpoint in the crisis came as Hells Angel Peter "Skitzo" Hewat failed to appear in the Melbourne Magistrates Court on Tuesday because there was no room in the court's prison complex.

Magistrate Ged Lethbridge said the situation was beyond a joke. "Witnesses are subpoenaed. For the executive branch of government to ignore court orders is absolutely staggering," he said.

He said that in Mr Hewat's case it might be time for lawyers to apply to the Supreme Court to ensure his court appearance.

In other developments:

- Ringwood police holding cells are so full that police cannot provide access for visitors, including legal representatives. This has also restricted the amount of time prisoners are released for exercise and mandatory daylight hours.

- A man arrested in Pakenham on Sunday night was forced to stay in an inadequate cell until Tuesday because there was no other bed available anywhere in the state.

Prisoner numbers have grown due to a range of factors, including increased police numbers, which have led to more arrests, and state sentencing reforms. Criminal Bar Association president Remy van de Wiel, QC, said that about 400 people had failed to appear in court during the past month due to crowded holding cells. In that time, magistrates have awarded almost \$100,000 in costs against Corrections Victoria for failing to bring prisoners to court.

"These people are not even yet convicted of an offence," Mr van de Wiel said. "They can't get to court to apply for bail."

Criminal defence lawyers were contemplating applying to the court to hold Corrections Victoria in contempt of court, and for a writ of habeas corpus, which would force it to justify continuing to hold prisoners.

Mr van de Wiel said the crisis would continue without greater funding for legal aid, more magistrates and judges and "a proper review of sentencing and parole legislation".

This comes about a week after the Melbourne Magistrates Court began hearing matters in the County Court and using its holding cells to alleviate the problem. Attorney-General Robert Clark said early reports showed this was

"working well".

"It is far better to have dangerous offenders behind bars, even in police cells, rather than walking free on the streets," he said.

Inspector McKenzie said the funding for record numbers of police and protective services officers had been soured by the fact that many of them had been taken away from operational work to tend to prisoners.

The situation at Ringwood was "extremely tense" as prisoners were increasingly fighting among themselves because of frustrations with overcrowding. Ringwood has holding cells capable of housing periods of up to 13 days, after which prisoners have to be moved to a Corrections Victoria facility. Fairfax Media reported in July that prisoners were often moved for one day before being returned to police custody.

The Pakenham police station has no meal facilities, no secure outdoors area and not enough officers to manage a prisoner while responding to calls.

Inspector McKenzie said: "We can't see why the government keeps sitting on its hands and not doing anything that will solve this issue."

He said waiting for new prisons such as Ravenhall, expected to be finished in 2017, was not an option. He urged the government to stop blaming its predecessors and to explore a short-term solution to house low-risk prisoners in a minimum security setting.

A Corrections Victoria spokesman said prisoner transport services had been boosted and temporary accommodation had been added at some prisons while the Department of Justice opened more prison beds.

Victoria Police manages the Melbourne Custody Centre, under the magistrates court complex.

Police said there had been a rise in the state's prison population because of increased arrests, a focus on recidivist offenders, a crackdown on breaches of parole and the enforcement of operations such as the recent raids on club houses of outlaw motorcycle gangs.

Deputy Commissioner (Regional Operations) Tim Cartwright said extra police had been rostered to work at larger stations to reduce the risks of holding prisoners.

"We have also had to open cells in police stations that do not routinely hold prisoners," Mr Cartwright said.

"Courts, Corrections and police continue to work to reduce the number held in police cells. This is an important issue, and we are in regular discussions with Corrections Victoria and the courts, and we are working hard to resolve it."

The state opposition's spokeswoman for corrections, Jill Hennessy, said the constant transferral of prisoners posed security risks and put the safety of prison officers and justice staff at threat.

"The crisis in our prison system has now infected the whole justice system," she said.

"The Napthine government gloats that this enhances safety. But magistrates have made it clear that they are having to release prisoners on bail because they can't get them to court for their hearings. So, the prison crisis actually undermines community safety, and does not enhance it."

Ms Hennessy said the problem meant taxpayers were ultimately footing the bill when magistrates awarded costs against Corrections Victoria.

"Courts are awarding legal costs against the government for its failure to bring a prisoner for sentencing, further escalating the enormous costs of the prison crisis to the Victorian taxpayer," she said.

With Steve Butcher

This story was found at: <http://www.theage.com.au/victoria/justice-system-crumbling-20131029-2wedi.html>